

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 15, 2008

DIVISION ONE

[illegible]

The judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

B199385 People (Not for Publication)
v.
Gerardo Vasquez et al.

The judgments are affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

DIVISION ONE (continued)

B198440 Casen Park La Brea Retail LLC
 v.
 Ross Dress For Less, Inc.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B200934 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Phillip O.

The order is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

B198612 People (Not for Publication)
 v.
 Brandon N.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

May 15, 2008 (Continued)

DIVISION THREE (continued)

B197428 People (Not for Publication)

V.

Antonio Javier Saldana

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.

Croskey, J.

DIVISION FOUR

B202247 People (Not for Publication)

V.

Tyrone W.

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.

Manella, J.

B191735 People

V.

Plair

Filed order denying petition for rehearing.

B194519 Korean Philadelphia Presbyterian Church, et al.

V.

The California Presbytery, et al.

Filed order denying petition for rehearing.

May 15, 2008 (Continued)

DIVISION SIX

Court convened at 11:00 a.m.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B192825 People
 v.
 Sons

Merits:

Argued by Michael H. Steinberg for appellant and by Marc A. Kohm,
Deputy Attorney General, for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J., P. McGill, Chief Deputy Clerk and
G. Bents, Senior Deputy Clerk.

B194400 People v. Hernandez

Argument continued to June, 2008.

Each of the following:

B193895 People v. Sessing
B194100 People v. Casarez
B195639 People v. Winston
B198075 People v. Hardy
B198331 People v. Espinoza
B199854 People v. McNally
B200910 People v. Jimenez
B203262 People v. Naranjo

Argument waived, cause submitted.

DIVISION SIX (continued)

B192871 People
 v.
 Nava

Merits:

Argued by Richard Eric Holly for appellant and by David A. Voet, Deputy Attorney General, for respondent via video conference. Cause submitted.

B198823 People
 v.
 Adams

Merits:

Argued by Esther R. Sorkin for appellant and argument previously waived by respondent. Cause submitted.

B199238 People
 v.
 Averhart

Merits:

Argued by Randy S. Kravis for appellant and by Ryan M. Smith, Deputy Attorney General, for respondent via video conference. Cause submitted.

B199566 People
 v.
 Cortez

Merits:

Argued by Lyn A. Woodward for appellant and by Ana R. Duarte, Deputy Attorney General, for respondent via video conference. Cause submitted.

DIVISION SIX (continued)

B203329 People
 v.
 Coulter

Merits:

Argued by Steve Pell for appellant and by A. Scott Hayward, Deputy Attorney General, for respondent via video conference. Cause submitted.

B193958 People
 v.
 Alonzo

Merits:

Argued by Jeffrey S. Kross for appellant and by Lauren E. Dana, Deputy Attorney General, for respondent. Cause submitted.

Yegan, J. left the bench.

B196287 People
 v.
 Lopez

Merits:

Argued by Jonathan P. Milberg for appellant and by Robert David Breton, Deputy Attorney General, for respondent via video conference. Cause submitted.

Court adjourned.

DIVISION EIGHT

B191254	People v. Jones	(Not for Publication)
B192541	People v. Zelaya	
B193068	People v. Roberts	

The judgments are modified and the clerk of the court is directed to modify the abstracts of judgment accordingly and forward copies of the corrected abstracts to the Department of Corrections as follows:

- Zelaya and Jones: Impose sentence on counts 2 and 3 and stay those sentences.
- Roberts: Impose sentence on count 7 and stay that sentence.
- Jones and Roberts: [Count 1] impose and stay the lesser 20 year (§12022.53, subd. (c)) and 10 year (§12022.53, subd. (b)) enhancements
- Roberts: [count 6] Impose the personal use enhancement and stay its execution. Impose the 10-year violent felony gang enhancement (186.22, subd. (b)(1)C) in lieu of the 5 year serious felony gang enhancement (§186.22, subd. (b)(1)(B)).
- All appellants: Vacate the orders imposing a single \$20 court fee as to each appellant and enter in lieu thereof new orders imposing a \$20 court security fee in the following amounts, Jones \$160 [eight convictions], Roberts \$220 [eleven convictions], Zelaya \$180 [nine convictions]

In addition, the trial judge is directed as follows:

- Zelaya and Jones: Vacate orders staying imposition of gang enhancement on counts 4, 8 and 9 and exercise its discretion either to impose a gang enhancement of two, three, or four years or to strike the additional punishment for the enhancement in compliance with subdivision (g) of section 186.22.
- Roberts: Vacate order staying imposition of gang enhancement on counts 10 and 11 and exercise its discretion either to impose a gang enhancement of two, three, or four years or to strike the additional punishment for the enhancement in compliance with subdivision (g) of section 186.22.

May 15, 2008 (Continued)

DIVISION SIX (continued)

B191254 People v. Jones, etc. (continued)

The matters are remanded with directions to resentence appellants in accordance with the views expressed in this opinion. In all other respects, we affirm the judgments.

Cooper, P.J.

We concur: Rubin, J.
Egerton, J. (Assigned)

B199391 People (Not for Publication)
v.
Washington

The appeal is dismissed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B192495 Sheen et al., (Not for Publication)
v.
Sheen et al.,

Paragraph 5 of the amended judgment is reversed. The amended judgment is otherwise affirmed. Petitioners shall recover costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Egerton, J. (Assigned)